

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VICTOR WILLIAMS, individually, and on
behalf all others similarly situated,

Plaintiff,

v.

ECOLAB INC.,

Defendant.

Case No. 21-CV-695

Hon. Joan H. Lefkow

Magistrate Judge Sunil R. Harjani

DEFENDANT ECOLAB INC.'S MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(h)(3), (b)(1) and (b)(6), Defendant Ecolab Inc. (“Ecolab”) moves this Court to dismiss Plaintiff Victor Williams’ Complaint in its entirety. Specifically, Plaintiff’s claims under the Illinois Biometric Information Privacy Act are a labor dispute between an employer subject to the Labor Management Relations Act and a union-represented employee, such that this Court lacks subject-matter jurisdiction. *See Miller v. Southwest Airlines Co.*, 926 F.3d 898, 901 (7th Cir. 2019). Alternatively, Plaintiff’s claims are barred by the exclusivity provision of the Illinois Workers’ Compensation Act and are time-barred. For all these reasons, set forth in more detail in Ecolab’s Memorandum in Support of its Motion to Dismiss, Ecolab respectfully requests that this Court dismiss all of Plaintiff’s claims.

Dated: February 12, 2021

Respectfully submitted,

s/ Efrat R. Schulman

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CERTIFICATE OF SERVICE

I hereby certify that, on February 12, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Efrat R. Schulman

Efrat R. Schulman
*One of the attorneys for Defendant
Ecolab*